

Court of Appeals, State of Michigan

ORDER

Bethany Lutheran Church v John W Swenson Trust

Docket No. 291742; 291762

LC No. 06-010776-CZ

Peter D. O'Connell
Presiding Judge

William C. Whitbeck

Alton T. Davis
Judges

The Court orders that the appellants' motion to expand the record on appeal and to add frustration of purpose and/or impossibility of the settlement agreement as an additional ground for the underlying appeal is GRANTED.

The Court orders that this case is REMANDED to the Leelanau County Probate Court for further proceedings to address impossibility and frustration of purpose relating to the purported settlement agreement.

Appellants are to file with this Court a copy of any motion and any supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. **The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.** Appellants must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings.

If the appellants fail to file remand pleadings in the trial court within the 14-day period, the time for proceeding with the appeal in this Court begins 14 days from the date of certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 23 2009
Date

Sandra Schultz Mengel
Chief Clerk